

WT Docket No. 11-65
DA 11-799
ULS File No. 0004669383

Petition to Deny:

As a concerned citizen and frequent observer of the wireless industry, I respectfully ask the Federal Communications Commission to deny all applications for the transfer of control of publicly licensed spectrum from T-Mobile USA to AT&T Mobility on the following grounds:

1. AT&T has largely failed to deliver 3G UMTS to rural areas. In rural counties almost too numerous to count, AT&T holds greater than 50 MHz of spectrum yet has deployed only 2G GSM/GPRS/EDGE and has stockpiled the remaining spectrum. Why should we believe that AT&T suddenly has an eager interest in bringing 4G LTE mobile broadband to rural areas?

2. AT&T is the second largest licensee of both Advanced Wireless Services (AWS) 2100+1700 MHz spectrum and Upper/Lower 700 MHz spectrum, respectively. Even though its AWS licenses were granted nearly five years ago, AT&T has yet to put any of this spectrum to commercial use; AT&T offers no user handsets that operate within these spectrum bands. Why should we grant AT&T access to even more spectrum (licensed to T-Mobile) if AT&T has not deployed its current spectrum holdings in an efficient and timely manner?

3. AT&T could accomplish its professed 4G LTE rural build out without an acquisition of T-Mobile. Comparison of AT&T's current 2G/3G coverage maps with its projected 4G coverage maps reveals that the acquisition of T-Mobile would add ridiculously little to the breadth of AT&T's 4G LTE deployment. Additionally, AT&T tries to mislead us to believe that it requires T-Mobile in order to expand 4G LTE to rural areas where, in fact, AT&T already has large spectrum holdings. Why should we reward AT&T for this ploy?

4. AT&T could solve its supposed urban spectrum shortage without an acquisition of T-Mobile. Numerous alternatives exist. AT&T could "flash cut" spectrum from GSM/GPRS/EDGE to LTE or from UMTS to LTE. AT&T could purchase or lease Broadband Radio Service (BRS) 2500-2600 MHz spectrum from Clearwire, which has shown a definite interest in monetizing some of its spectrum holdings. Why should we provide AT&T the equivalent of corporate welfare if it has not sufficiently explored all other alternatives?

For these reasons, the Commission should deny all applications to transfer control of publicly licensed spectrum from T-Mobile to AT&T.

Sincerely,

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